

recommendation regarding the Defendant's motion. [Doc. 18]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The Defendant timely filed Objections on November 18, 2021. [Doc. 19]. The Plaintiff filed her Response to the Defendant's Objections on December 2, 2021. [Doc. 20].

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby overrules the Defendant's Objections and accepts the Magistrate Judge's recommendation regarding the Motion to Dismiss.

IT IS, THEREFORE, ORDERED that the Defendant's Objections [Doc. 19] are **OVERRULED**, and the Memorandum and Recommendation [Doc. 18] is **ACCEPTED**.


IT IS FURTHER ORDERED that the Defendant's Motion to Dismiss [Doc. 12] is **GRANTED IN PART** and **DENIED IN PART** as follows:

- (1) The Defendant's Motion to Dismiss is **GRANTED** with respect to the Plaintiff's racial discrimination claim under Title VII, and such claim is **DISMISSED WITHOUT PREJUDICE** on the grounds that the Plaintiff has failed to exhaust her administrative remedies;

- (2) The Defendant's Motion to Dismiss is **GRANTED** with respect to the Plaintiff's racial discrimination claim under Section 1981, and such claim is **DISMISSED WITH PREJUDICE**; and
- (3) The Defendant's Motion to Dismiss is **DENIED** with respect to the Plaintiff's hostile work environment claim, and such claim shall be allowed to proceed.

IT IS SO ORDERED.

Signed: March 16, 2022



Martin Reidinger
Chief United States District Judge

